

Exhibit 6

BLAKE WILLIAMS

October 10, 2018

1 UNITED STATES DISTRICT COURT
 2 CENTRAL DISTRICT OF CALIFORNIA
 3

4 NEFTALI MONZON, as Personal)
 Representative of the)
 5 Estate of JUNE F RAGADIO)
 MONZON and individually;)
 6 MARYLOU MONZON, as Personal)
 Representative of the)
 7 Estate of JUNE F RAGADIO)
 MONZON and individually;)
 8 JERRICO REYES, an)
 individual,)
 9)

Plaintiffs,)
 10)

v.)

Case No.
 2:17-CV-13712

11 CITY OF MURRIETA, a)
 12 governmental entity; SCOTT)
 MONTEZ, an individual;)
 13 CHRIS ZELTNER, an)
 individual; KYLE MIKOWSKI,)
 14 an individual; ZACH)
 BRADLEY, an individual AND)
 15 BLAKE WILLIAMS, an)
 individual, and DOES 1)
 16 through 10,)
)

Defendants.)
 17)
 18

19 DEPOSITION OF BLAKE WILLIAMS

20 WEDNESDAY, OCTOBER 10, 2018, 1:42 P.M.

21 CORONA, CALIFORNIA
 22

23 Reported by R. Kelly Jacobson, CSR No. 8361
 CLS Job No. 90157B
 24

25 CENTEXTLEGAL.COM - 855.CENTEXT

1 UNITED STATES DISTRICT COURT
 2 CENTRAL DISTRICT OF CALIFORNIA
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4 NEFTALI MONZON, as Personal)
 Representative of the)
 5 Estate of JUNE RAGADIO)
 MONZON and individually;)
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11 vs.)

Case No.
 2:17-CV-13712

12 CITY OF MURRIETA, a)
 governmental entity; SCOTT)
 MONTEZ, an individual;)
 13 CHRIS ZELTNER, an)
 individual; KYLE MIKOWSKI,)
 14 an individual; ZACH)
 BRADLEY, an individual AND)
 15 BLAKE WILLIAMS, an)
 individual, and DOES 1)
 16 through 10,)

17 Defendants.)
 18
 19
 20

21 DEPOSITION OF BLAKE WILLIAMS, taken at
 22 2260 Griffin Way, Corona, California, on Wednesday,
 23 October 10, 2018, at 1:42 p.m., before
 24 R. Kelly Jacobson, Certified Shorthand Reporter, in and
 25 for the State of California.

1 APPEARANCES:

2
3 For Plaintiffs:

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10 -and-

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17 For Defendants:

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19 BY: ALLEN CHRISTIANSEN, ESQ.
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24 Also Present: Scott Montez
25 Christopher Zeltner
Zachery Bradley

1 A Other than personal reasons, no, it wasn't.

2 Q Seems like the weather is so nice down there.

3 I don't know how it is in Murrieta, but ...

4 So when did you go to the academy?

5 A 2008.

6 Q And that was the San Diego academy?

7 A Yes, it was.

8 Q How long was that academy?

9 A Six months.

10 Q Were you trained on the POST standards at that
11 time?

12 A Yes.

13 Q You're familiar with the POST standards?

14 A Yes.

15 Q Do you do sustainment training or something to
16 that effect as a police officer?

17 MR. CHRISTIANSEN: Objection, vague and ambiguous.

18 THE WITNESS: Sustainment training? I've never
19 heard it called that.

20 BY MR. SINCICH:

21 Q Is there anything like a perishable skills
22 training that you have periodic training in?

23 A Yes.

24 Q Do you ever, as part of that periodic
25 training, go over the POST standards?

1 A I believe it's a Sure Fire.

2 Q Did you use your weapon at all during the
3 incident?

4 A What weapon?

5 Q Your firearm, the Glock.

6 A Yes, I did.

7 Q How many times did you fire?

8 A Ten times.

9 Q Were you using your tact light when you were
10 firing your weapon?

11 A I don't recall.

12 Q Do you recall using your tact light at all
13 during the incident?

14 A No.

15 Q Did you review any documents in preparation
16 for today?

17 A Yes.

18 Q What documents did you review?

19 A The police report which contained my
20 statement.

21 Q Did you also review the report itself or was
22 it just your statement that you reviewed?

23 A Just my statement and a few photographs that
24 were attached to it.

25 Q Were the photographs attached to your

1 A No.

2 Q Who are you with now?

3 A Our special enforcement team.

4 Q What does the special enforcement team do?

5 A Whatever the department needs of us, but
6 primarily work narcotics, weapons, things of that nature
7 and it's in an undercover capacity.

8 Q Okay. I was going to ask you is it similar to
9 the crime suppression team in San Diego, but it seems
10 like it's not because it's undercover.

11 A Yes.

12 Q So at some point in time, did you hear a call
13 over the radio that there was a vehicle pursuit in
14 progress?

15 A Yes.

16 Q Do you know who made that radio transmission?

17 A Officer Zeltner.

18 Q Do you recall what Officer Zeltner said over
19 the radio?

20 A I believe he asked dispatch first if they had
21 received the hit.

22 Based on my training and experience, I know
23 most of the time that's either he ran somebody with a
24 warrant and got a push back on it or ran a stolen
25 vehicle.

1 Q And can you describe what a "hit" would be?

2 A We have a computer system inside our vehicle
3 that allows us to run subjects and vehicles and it comes
4 back through the database, the information, if any.

5 Q Is it fair to say that a hit is characterizing
6 the search as affirmative; for instance, if you did a
7 search of a warrant that it would have been a violation
8 of the warrant that would be a hit?

9 MR. CHRISTIANSEN: Objection, vague. Calls for
10 speculation.

11 THE WITNESS: Yes, a hit would be a positive hit on
12 that subject or the vehicle that was stolen.

13 BY MR. SINCICH:

14 Q Okay. That's what I was trying to get at.

15 A Yeah.

16 Q So we're speaking the same language.

17 A Yeah.

18 Q After you heard the radio transmission from
19 Officer Zeltner did you immediately join the vehicle
20 pursuit or was there a gap?

21 MR. CHRISTIANSEN: Objection, vague. Calls for
22 speculation.

23 THE WITNESS: I mean, there was a gap. It wasn't
24 an immediate vehicle pursuit.

25 ///

1 BY MR. SINCICH:

2 Q Were you on a different call at the time?

3 A I was not.

4 Q Okay. Eventually you joined the pursuit?

5 A I did.

6 Q Approximately how long did the pursuit last
7 after the time that you joined until its completion?

8 A I'd say approximately five minutes.

9 Q Do you recall what vehicle order you were in,
10 what vehicle number you were in, in order of the patrol
11 vehicles during the pursuit?

12 A Yes, it changed though.

13 Q What vehicle number in terms of order of
14 patrol vehicles were you by the time the conclusion of
15 the pursuit happened?

16 A At the conclusion I was No. 4.

17 Q And which vehicles were 1 through 3, if you
18 recall?

19 A It was Officer Zeltner, Officer Bradley,
20 Officer Mikowski and me and Sgt. Montez.

21 Q What street did the officer-involved shooting
22 happen on?

23 A Mesa Drive.

24 Q Did you have to turn down Mesa Drive at some
25 point prior to the shooting?

1 A Yes.

2 Q Okay. At the time -- I asked that because I'm
3 just trying to give a more specific time frame.

4 At the time that you were turning on

5 Mesa Drive what direction were you turning?

6 A Southbound.

7 Q Did you see any of the other patrol vehicles
8 or the suspect vehicle as you were making the turn
9 southbound?

10 A It was either right at the turn or there
11 shortly after when I had turned onto Mesa Drive.

12 Q So shortly thereafter when you're on
13 Mesa Drive were you able to see the patrol vehicles?

14 A Yes.

15 Q Can you describe to me whether or not they
16 were stopped or if they were still moving at that time?

17 A They were stopped.

18 Q At the time that you turned on Mesa Drive --
19 strike that.

20 By the time you first saw all of the other
21 patrol vehicles in front of you, they were all stopped?

22 MR. CHRISTIANSEN: Asked and answered.

23 THE WITNESS: I don't recall exactly. I mean,
24 there were three different vehicles, but my recollection
25 is they were stopped or coming to a stop at the time I

1 was coming down there.

2 BY MR. SINCICH:

3 Q Okay. Were you able to see the suspect
4 vehicle at that point?

5 A Yes.

6 Q Where was the suspect vehicle in relation to
7 the patrol vehicles?

8 A Facing southbound in front of
9 Officer Zeltner's patrol vehicle.

10 Q Were you able to tell how far
11 Officer Zeltner's vehicle was from the suspect vehicle
12 at that time?

13 A No.

14 Q Eventually you came to a stop; correct?

15 A Yes.

16 Q And where did you stop your vehicle?

17 A In the roadway where my vehicle was traveling
18 at the time that the vehicles in front of me had
19 stopped.

20 Q Where did you stop your vehicle in relation to
21 Officer Mikowski's vehicle?

22 A Behind him.

23 Q Do you know how far you were from
24 Officer Mikowski's vehicle when you put your vehicle in
25 park?

1 (Telephonic interruption)

2 MR. CHRISTIANSEN: Off the record for a second.

3 MR. SINCICH: Off the record.

4 (Discussion off the record)

5 MR. SINCICH: Back on the record.

6 BY MR. SINCICH:

7 Q I'm not sure if you answered the previous
8 question or maybe I just forgot your answer.

9 How far away from Officer Mikowski's vehicle
10 did you stop your vehicle?

11 A I don't recall.

12 Q Can you give me a range in feet?

13 A I'd say somewhere within 5 feet, roughly.

14 Q Okay.

15 MR. SINCICH: I'm just going to grab a photograph
16 Bates numbered 001097. We're going to mark this as 31.

17 I'm placing it in front of Officer Williams.

18 (Exhibit 31 marked)

19 BY MR. SINCICH:

20 Q Do you recognize the vehicles in that
21 photograph?

22 A Yes, I do.

23 Q Can you identify which vehicle is closest to
24 the person who is taking the picture?

25 A Appears to be the patrol vehicle that I was

1 driving on the night of the incident or the morning of
2 the incident.

3 Q And do you know whose vehicle was in front of
4 your vehicle?

5 A It's Officer Mikowski's.

6 Q I know that this picture was taken after the
7 incident and the trunk is open on Officer Mikowski's
8 vehicle.

9 Do you know if the trunk was ever opened
10 during the incident?

11 A I do not believe it was.

12 Q By the time that you parked your patrol
13 vehicle, before you exited it, were you able to see the
14 suspect vehicle?

15 A Yes.

16 Q Where was the suspect vehicle?

17 A In front of Officer Zeltner's vehicle.

18 Q And what position was the suspect vehicle in
19 in relation to Officer Zeltner's vehicle?

20 A It was in front facing southbound when I first
21 saw it.

22 Q Could you tell whether or not the suspect
23 vehicle had moved from the time that you first saw it
24 after making the turn onto Mesa Drive to the time you
25 stopped your vehicle?

1 MR. CHRISTIANSEN: Objection, vague and ambiguous.

2 THE WITNESS: During -- somewhere within that time,
3 that short time frame, the vehicle went into reverse.

4 BY MR. SINCICH:

5 Q Were you able to see it go into reverse?

6 A Yes, I was.

7 Q Do you know how far back it went into reverse?

8 A No.

9 Q Did you see it stop after it went into

10 reverse?

11 A It changed direction of travel, went from

12 reverse back to driving forward.

13 Q Do you know how long that transition took? I

14 take it you have to stop from going backwards before you

15 go forwards. Do you know how long that -- that pause

16 was before it went forward?

17 A Fractions of a second.

18 Q And this is at the time that you were still in

19 your vehicle?

20 A Yes.

21 Q While you were still in your vehicle were you

22 able to see the suspect vehicle move forward then?

23 A Yes.

24 Q In which direction did it go forward?

25 MR. CHRISTIANSEN: Objection, vague as to time.

1 THE WITNESS: It kind of went different directions.

2 It was making a turn. It appeared as if he was trying
3 to change the direction of his vehicle.

4 BY MR. SINCICH:

5 Q So previously you said that the suspect
6 vehicle was facing south.

7 Did you see it turning either to the left or
8 the right this first time that you're seeing it moving
9 forward after it had reversed?

10 A As it went in reverse the vehicle turned and
11 the back end of the vehicle would have been west and the
12 vehicle was facing east in the roadway as it went, but
13 when it accelerated forward, it was turning, but I guess
14 you would say in an eastbound, east, northern direction.

15 Q Okay. So the vehicle was facing south and
16 then it -- is it fair to say that it backed up to the
17 right?

18 A Yes.

19 Q And do you know if it collided with anything
20 when it backed up to the right?

21 A I don't recall.

22 Q After it backed up to the right you're saying
23 it stopped for a split second; is that correct?

24 A Yes.

25 Q And at the time that it stopped for that split

1 second is it fair to say that it was facing east, the
2 suspect vehicle?

3 A Yes.

4 Q Could you tell at that point in time whether
5 or not -- strike that.

6 Could you tell at that point in time how far
7 the suspect vehicle was from Officer Zeltner's vehicle?

8 A I'd have to say 2 to 5 feet.

9 Q When you were seeing the vehicle moving
10 forward after it had backed up to right, were you still
11 in your vehicle or at that time were you exiting your
12 vehicle?

13 A I believe it's about that time that I began to
14 exit the vehicle, at least open the door to my vehicle.

15 Q Okay. So were you able to see the suspect
16 vehicle moving forward in any particular direction? Was
17 it driving directly east or was it going into a
18 different direction?

19 A While I was getting out of my vehicle I heard
20 a collision. And the last I saw the vehicle it was
21 coming -- the vehicle was traveling northbound on Mesa.

22 Q Was it your perception that the collision
23 occurred while the suspect vehicle was moving forward?

24 A I don't recall.

25 Q Were you able to see the collision or just

1 hear it?

2 A I heard it.

3 Q Were you able to tell based off of hearing the
4 collision whether or not -- or what the collision was
5 between?

6 A No.

7 Q You didn't know if the collision was the
8 suspect vehicle hitting something or something entirely
9 different?

10 A Correct.

11 Q Okay. So at some point you got fully out of
12 your vehicle?

13 A Yes, sir.

14 Q Were you able to see the suspect vehicle once
15 you were fully out of your vehicle?

16 MR. CHRISTIANSEN: Objection, vague as to time.

17 THE WITNESS: As I was getting out I still had eyes
18 on the suspect vehicle, yes.

19 BY MR. SINCICH:

20 Q Okay. And, eventually, you said the suspect
21 vehicle was driving northbound on Mesa Drive?

22 A Correct.

23 Q Where were you when you first saw the suspect
24 vehicle driving northbound on Mesa Drive?

25 A Getting out of my vehicle.

1 Q Where was the suspect vehicle when you saw it
2 driving northbound on Mesa Drive when you first saw it?

3 A Right -- still in front of Officer Zeltner's
4 patrol vehicle right next to it, to the -- on the west
5 curb line of Mesa.

6 Q I'm trying to visualize what you're saying.
7 So the suspect van was on the west side of
8 Mesa facing north?

9 A Yes, more or less. It was a small road so he
10 was further on the -- more or less on the west portion,
11 west side of Mesa Drive.

12 Q As you looked down the street you're looking
13 south; correct?

14 A Correct.

15 Q Was the suspect vehicle -- as it was driving
16 north was it to your left or to your right?

17 A If I'm looking at the suspect vehicle, the
18 suspect vehicle is to my right.

19 Q And you could see the suspect vehicle's
20 headlights at that time?

21 A Yes.

22 Q And where was the suspect vehicle in relation
23 to Officer Zeltner's vehicle?

24 A If it wasn't hitting it, it was right there
25 next to it.

1 Q Would you say it was perfectly parallel to
2 Officer Zeltner's vehicle or were they at a different
3 angle when --

4 MR. CHRISTIANSEN: Objection --
5 BY MR. SINCICH:

6 Q -- you first saw it going northbound?

7 MR. CHRISTIANSEN: Objection, misstates his
8 testimony.

9 You can answer.

10 THE WITNESS: I don't know if they were parallel,
11 but the vehicle -- I mean, obviously, it was
12 accelerating forward. So at different times it was at
13 different parts of his vehicle. But, yes, I would say,
14 more or less, parallel with it, driving past it.

15 BY MR. SINCICH:

16 Q Okay. So you saw the suspect vehicle driving
17 northbound?

18 A Correct.

19 Q And then what did you do?

20 A As I -- again, it happened quick. This is
21 about the time I'm stopping, opening up my door and
22 getting out. As I'm exiting my vehicle is when I hear
23 gunshots and I don't know where the gunshots are coming
24 from, if it's the suspect shooting or -- or my partner
25 shooting, but I hear the volley of six to eight

1) gunshots.

2 Q Was that just one volley of gunshots or could
3 it have been two volleys?

4 A My recollection is one.

5 Q Was there any pause in that volley of gunshots
6 at all?

7 A Not a substantial pause that I recollect.

8 Q Was it your impression off of hearing that
9 volley of gunshots that they were all coming from one
10 individual?

11 A I can't say.

12 Q Okay. Were you able to see the suspect
13 vehicle at the time that you heard the gunshots?

14 A At that time, I -- I don't recall. I don't
15 think so because while I was getting out I think it was
16 possibly blocked by Officer Mikowski's vehicle.

17 Q Did you hear any officers giving any commands
18 prior to hearing that volley of gunshots?

19 A I heard a lot of like yelling, so I assume
20 they were commands. I do not know exactly what those
21 commands were, but I did hear yelling in front of me.

22 Q Did you hear more than one person yelling?

23 A Yes.

24 Q Were they yelling loud?

25 A Yes, loud enough for me to hear it.

1 Q Was it your impression that the multiple
2 people yelling were officers?

3 MR. CHRISTIANSEN: Objection, calls for
4 speculation.

5 THE WITNESS: I -- I believed it to be --
6 BY MR. SINCICH:

7 Q But you --

8 A Officers.

9 Q I'm sorry. But you couldn't tell what they
10 were saying?

11 A No.

12 Q So after you heard the gunshots what did you
13 do?

14 A At that time I saw Officer Mikowski getting
15 his canine out of the vehicle and going towards the
16 front driver's side quarter panel area of his vehicle
17 and I went to his location.

18 Q Were you moving from your vehicle up to
19 Officer Mikowski's vehicle when you saw Officer Mikowski
20 getting his dog out?

21 A Yes.

22 Q Do you know where Officer Mikowski keeps his
23 dog in the vehicle?

24 A Yes.

25 Q Where is that?

1 A It's in the back seat, not the very back, but
2 the -- I guess you could say -- it's a Tahoe, so the
3 middle section.

4 Q And that's on the driver's side?

5 A You can get either -- you can get there either
6 way, but he was taking his canine out of the driver's
7 side of the vehicle.

8 Q So I take it the rear driver's side door was
9 open at the time?

10 A Again, he was taking it -- him out. It was
11 shortly thereafter that he moved to the front of his
12 car. I wasn't even up with him yet. So I don't know if
13 I saw it opened or closed. I just could see him
14 handling his canine.

15 Q How would you describe that he was handling
16 the canine?

17 A I recall he was holding him by the collar and
18 he did not have the leash on yet.

19 Q Do you know if Officer Mikowski's driver's
20 door was open?

21 MR. CHRISTIANSEN: Objection, vague as to time.

22 THE WITNESS: I don't recall.

23 BY MR. SINCICH:

24 Q At the time that you saw Officer Mikowski move
25 from taking his dog out of the vehicle to the front left

1 quarter panel of his vehicle could you tell at that time
2 whether or not any of the doors on the driver's side of
3 Officer Mikowski's car were open?

4 A I don't recall.

5 Q As you were moving from your vehicle up to
6 Officer Mikowski's position were you able to see the
7 suspect vehicle?

8 A No.

9 Q When was the next time -- what position --
10 strike that.

11 What position were you in the next time that
12 you were able to see the suspect vehicle?

13 A Officer Mikowski's vehicle was struck, which
14 caused his vehicle to move. The vehicle with --
15 Officer Mikowski's vehicle was knocked into me and my
16 right arm went through the rear, back driver's side
17 window of the vehicle.

18 At that time, it kind of pushed me out to the
19 side and I continued forward. And it's at that point
20 where I saw the suspect vehicle and -- at the front of
21 Officer Mikowski's vehicle.

22 Q Okay. Do you know what area of the window
23 your arm hit on Officer Mikowski's rear window?

24 MR. CHRISTIANSEN: Objection, asked and answered.

25 THE WITNESS: Do I know what window or where

1 exactly on the window?

2 BY MR. SINCICH:

3 Q What area of the window? Not exactly. Just
4 what area?

5 A I have no idea.

6 Q Not bottom, top, left, right portion,
7 somewhere in the middle?

8 MR. CHRISTIANSEN: Objection, asked and answered.

9 THE WITNESS: I don't know. I'd have to say
10 probably the lower portion based on my height and the
11 height of the window.

12 BY MR. SINCICH:

13 Q Could you approximate how high the window is,
14 the bottom portion of the window off of the ground?

15 MR. CHRISTIANSEN: Objection, relevance. Calls for
16 speculation.

17 THE WITNESS: I'd say approximately 3 feet off the
18 ground.

19 BY MR. SINCICH:

20 Q If you were standing up next to the window
21 where would you say it approximately was in relation to
22 your body?

23 A Say, right about my rib cage, like my nipple
24 line.

25 Q The bottom of the window?

1 A Yeah, that's what I'd say.

2 Q Are you right-handed or left-handed?

3 A I'm right-handed.

4 Q At the time you were moving up to
5 Officer Mikowski's vehicle did you have your gun drawn?

6 A Yes.

7 Q What part of your body, if you know,
8 specifically, hit the window?

9 MR. CHRISTIANSEN: I'll object. Misstates his
10 prior testimony.

11 THE WITNESS: I believe it would be my elbow/arm
12 area, lower arm area.

13 BY MR. SINCICH:

14 Q Do you know if your weapon struck the window
15 at all?

16 A It did not.

17 Q As you were moving from your vehicle up to
18 Officer Mikowski's vehicle before the impact with your
19 arm, did you have your weapon pointed in any particular
20 direction?

21 MR. CHRISTIANSEN: Vague as to time.

22 THE WITNESS: I had my firearm as I was running up,
23 considered the low ready position. I had my hands on
24 the gun. They weren't fully extended out in front of
25 me. I had my elbows kind of tucked into my body as I

1 was running with my -- the barrel of my gun kind of
2 pointed to the ground.

3 BY MR. SINCICH:

4 Q Is it fair to say that your arms were at about
5 a 90-degree angle at that time?

6 A Yes.

7 Q And your weapon was maybe 6, 10 inches away
8 from your chest?

9 A Yes.

10 Q And was your weapon about nipple or chest
11 high?

12 A Yes.

13 Q Prior to that happening, did you see the
14 suspect vehicle just prior to -- moments prior to the
15 impact of -- of your body on Officer Mikowski's vehicle
16 did you see the suspect vehicle?

17 A I could see headlights, but not distinctively
18 because Officer Mikowski's vehicle was in front of me
19 and the suspect vehicle at that point.

20 Q Were you able to see the suspect vehicle --
21 strike that.

22 As you were running up to Officer Mikowski's
23 vehicle did you know what the suspect vehicle was doing?

24 MR. CHRISTIANSEN: Objection, calls for
25 speculation. Vague as to time.

1 THE WITNESS: I believe it was traveling forward
2 because based on the prior movements of it and I could
3 hear the acceleration of the vehicle.

4 BY MR. SINCICH:

5 Q So it was your belief that the suspect vehicle
6 was driving northbound on Mesa Drive?

7 A Yes.

8 Q And then after the impact between the suspect
9 vehicle and Officer Mikowski's vehicle, that was about
10 the time that your arm impacted Officer Mikowski's
11 vehicle?

12 MR. CHRISTIANSEN: Objection, misstates the prior
13 testimony.

14 I think he said the vehicle impacted his arm;
15 right?

16 THE WITNESS: Correct. My -- after the vehicle --
17 the suspect vehicle collided with Officer Mikowski's
18 vehicle, Officer Mikowski's vehicle then was hit back.
19 And while the vehicle moved -- Officer Mikowski's
20 vehicle moved, it hit -- it like hit my arm.

21 BY MR. SINCICH:

22 Q Okay. Were you able to see the impact of the
23 van and Officer Mikowski's vehicle?

24 A No, I heard it and felt it.

25 Q Okay. How far were you from

1 Officer Mikowski's vehicle when you heard the impact?

2 A I'd say I was going alongside of it. Within
3 2 feet of it.

4 Q Would that be 2 feet behind the vehicle?

5 A I was on the side of it, probably 2 feet away
6 from the side of his vehicle.

7 Q So you were 2 feet to the left of the vehicle
8 or 2 feet behind the vehicle?

9 A I would say 2 feet left of the vehicle.

10 Again, I was running, so ...

11 Q Right. So at the moment of impact would you
12 say that you were right about where the window was, but
13 2 feet to the left of the vehicle?

14 A I'd say I might have been slightly back,
15 closer to towards the back bumper.

16 Q Okay. At that point in time, did you hear any
17 other volleys of shots?

18 A No.

19 Q Did you hear any other commands after the
20 first volley of shots that you described up until that
21 point that you heard the impact?

22 A Any more commands?

23 Q Yes.

24 A I don't recall. I remember hearing commands
25 and people yelling pretty much the entire incident.

1 Q How many people do you think were yelling?

2 MR. CHRISTIANSEN: Objection, calls for
3 speculation.

4 THE WITNESS: I don't know.

5 MR. CHRISTIANSEN: Vague as to time.

6 THE WITNESS: I don't know.

7 BY MR. SINCICH:

8 Q Were you giving commands at all during the
9 incident?

10 A The entire incident or at this point of the
11 incident?

12 Q We'll narrow it down to -- to the point of
13 prior to the impact of the van and Officer Mikowski's
14 vehicle.

15 A I gave no statements -- or no commands.

16 Q And then after Officer Mikowski's vehicle --
17 at some point in time after Officer Mikowski's vehicle
18 you fired your firearm?

19 A Yes.

20 Q Approximately how long was it from the time
21 you heard the impact of the van onto Officer Mikowski's
22 vehicle till the time you fired your first shot?

23 A I'd say three seconds to five seconds, just a
24 few seconds.

25 Q Did you give any commands in that

1 three-to-five second time frame?

2 A At that point I believe so.

3 Q What commands did you give?

4 A I believe just "Stop the vehicle. Show us
5 your hands." The typical. I don't recall, though.

6 Q Do you recall how many commands you gave?

7 A No.

8 Q Where were you when you were giving those
9 commands in relation to Officer Mikowski's vehicle?

10 A His front left quarter panel.

11 Q Where was Officer Mikowski at the time?

12 A To my left.

13 Q I'm just trying to get a visual of -- of where
14 you were.

15 How far were you from Officer Mikowski's
16 vehicle?

17 A I'd say I was at the front left quarter panel
18 kind of near the hood area, front bumper. I was
19 approximately 2 to 5 feet to the left of his vehicle and
20 he was standing to the left of me.

21 I -- I'd say maybe closer to like 2 feet from
22 his vehicle, to the left of it.

23 Q Was he in between you and the vehicle --

24 A No --

25 Q -- Officer Mikowski?

1 A -- he was to my left.

2 Q Okay. I don't know if I misheard you.

3 I think you said that you were close to 5 feet
4 away from Officer Mikowski's vehicle.

5 A No, I -- I -- I misspoke. I -- I think then
6 corrected myself and said about probably 2 feet from --

7 Q Okay.

8 A -- the front left quarter panel/hood area of
9 his vehicle.

10 Q Would you say you were up more forward of his
11 tire or behind his tire?

12 A I'd say probably just right in that area.

13 Q Okay. And about 2 feet away from the front
14 left quarter panel of Officer Mikowski's vehicle was
15 your position?

16 A Correct.

17 Q And you described Officer Mikowski then being
18 2 feet to your left?

19 A No, he was like right to my left. We were
20 really close to one another.

21 Q Were you shoulder to shoulder or was he
22 somewhat behind you or in front of you?

23 A I would say we were pretty much shoulder to
24 shoulder.

25 Q Did he have his canine at the time?

1 A He did.

2 Q Do you know if his gun was drawn at the time?

3 A I believe it was.

4 Q Do you know if his canine was with him, was he
5 in physical control of his canine is what I'm getting
6 at?

7 A Yes, he was.

8 Q Okay. Do you know if he was giving any
9 commands at the time you were giving commands?

10 A I do recall him yelling. I don't know what he
11 was saying, but I -- I just remember yelling.

12 Q Do you recall -- at that period of time where
13 you and Officer Mikowski are in the position of the
14 front left quarter panel of Officer Mikowski's vehicle,
15 do you recall where Officer Zeltner or Officer Bradley
16 were?

17 A No, I had no visual of them.

18 Q Was there something hindering your visual of
19 where they were?

20 A The suspect vehicle.

21 Q Did you know where their vehicles were at the
22 time?

23 MR. CHRISTIANSEN: Objection, vague as to time.
24 Ambiguous.

25 THE WITNESS: I suspected they were still where

1 they were at when I pulled up to the scene.

2 BY MR. SINCICH:

3 Q Okay. Were you able to see -- strike that. I
4 want to show proper respect.

5 Were you able to see Sgt. Montez at the time?

6 A No.

7 Q Did you have any idea where Sgt. Montez was?

8 A No.

9 Q I just want to back up a little bit. When you
10 got out of your vehicle was it before or after
11 Sgt. Montez got out?

12 A I believe it was at the same time. Maybe a
13 little after because I was putting the car in park and
14 doing all that as I was getting out, but I would say
15 it's pretty simultaneous.

16 Q Did you have any idea where Sgt. Montez went?

17 A No.

18 Q Did you hear Sgt. Montez giving any commands
19 prior to you firing your weapon?

20 A I don't recall.

21 MR. CHRISTIANSEN: Is this a good time for a break?

22 MR. SINCICH: What time did we get started? It was
23 1:30?

24 THE REPORTER: It was 1:42.

25 MR. CHRISTIANSEN: Almost an hour ago.

1 MR. SINCICH: Was there a question pending? I'm
2 sorry.

3 (record read)

4 MR. SINCICH: I just wanted to make sure he
5 answered the question.

6 THE REPORTER: Yes, he did.

7 MR. SINCICH: Okay. Let's go on a 10-minute break.
8 Is that good with you, Counsel?

9 MR. CHRISTIANSEN: Sure.

10 MR. SINCICH: All right. Great. Off the record.

11 (Recess)

12 MR. SINCICH: Let's go back on the record.

13 BY MR. SINCICH:

14 Q Officer Williams, at the time that you and
15 Officer Mikowski were at the front left quarter panel of
16 Officer Mikowski's vehicle, how long prior to that did
17 you hear the collision between the suspect vehicle and
18 Officer Mikowski's vehicle?

19 MR. CHRISTIANSEN: Objection, vague and ambiguous.
20 Vague as to time. Unintelligible.

21 If you understand.

22 THE WITNESS: Right when I got to the front of his
23 vehicle?

24 BY MR. SINCICH:

25 Q Yes.

1 A I would say seconds, two to three seconds.

2 Q Okay. Did you hear any gunfire outside of the
3 first volley that you described earlier in that two- to
4 three-second time frame?

5 A No.

6 Q Once you got to the position with
7 Officer Mikowski to your left were you standing on dirt
8 or on the concrete?

9 A Dirt.

10 MR. CHRISTIANSEN: Go ahead.

11 THE WITNESS: Dirt.

12 BY MR. SINCICH:

13 Q Do you know if there was anything behind you?

14 A A fence.

15 Q Was the fence directly behind you?

16 A It was to my left. I don't know how many
17 feet. I would say 2 to 3 feet to -- to our left or east
18 of us.

19 Q Okay. Were you able to see Mr. Monzon at that
20 time?

21 A Yes.

22 Q Was his vehicle still moving?

23 A Yes, it was accelerating forward.

24 Q How fast was he moving?

25 A Momentum-wise he was not going too fast

1 ambiguous as to "forward."

2 THE WITNESS: I don't recall. I mean, he was in a
3 turning motion, so, I mean, the vehicle moved probably
4 approximately 5 feet or so.

5 BY MR. SINCICH:

6 Q Was it still attached to Officer Mikowski's
7 vehicle as it moved approximately 5 feet?

8 MR. CHRISTIANSEN: Objection, vague as to the term
9 "attached."

10 You can answer.

11 THE WITNESS: I don't know. My focus wasn't on the
12 front, like the front bumper. I was looking to see what
13 Monzon's actions were because at that time even though
14 he crashed into Officer Mikowski's vehicle causing it to
15 hit me and the first volley of gunshots, I did not know
16 if those came from him, so my focus was on Mr. Monzon.

17 BY MR. SINCICH:

18 Q When you first saw Mr. Monzon himself, not the
19 suspect vehicle, but Mr. Monzon himself, was that prior
20 to you shooting?

21 MR. CHRISTIANSEN: Objection, vague as to time.

22 THE WITNESS: Yes.

23 BY MR. SINCICH:

24 Q Were you looking at him through a window?

25 MR. CHRISTIANSEN: Same objection, vague as to

1 time.

2 THE WITNESS: I had a visual of him through the
3 front windshield.

4 BY MR. SINCICH:

5 Q Were you able to see his hands at that time?

6 A I believe his hands were on the steering wheel
7 at that time.

8 Q Did you know where on the steering wheel they
9 were?

10 A I don't recall.

11 Q How long did it take for you to fire the
12 10 rounds?

13 A How long did it take to shoot in concession
14 the whole 10 rounds to be shot or how long did it take
15 until I fired like -- started firing?

16 Q The -- the 10 rounds. From starting to fire
17 to the last round, Round 1 to Round 10, how long was
18 that?

19 A I'd would say three to five seconds. Five
20 seconds, maybe. Maybe less.

21 Q Did you hear any officer give a deadly force
22 warning before you shot your rounds?

23 MR. CHRISTIANSEN: Objection, vague as to time.
24 Calls for speculation.

25 THE WITNESS: Again, I don't recall. I heard

1 yelling and screaming. Whether it was a deadly force
2 notification, I don't -- I've never heard -- I don't
3 really know what that is. But, no, I don't know what
4 people were saying.

5 BY MR. SINCICH:

6 Q Were you ever trained to give a warning, if
7 feasible, before using deadly force?

8 A Yes, if feasible.

9 Q Right. So when I say "a deadly force
10 warning," that's what I'm referring to. A warning
11 given, if feasible, prior to using deadly force.

12 Do you understand that?

13 A Yes.

14 Q Did you hear any -- strike that.

15 Did you give any warning that you were going
16 to use deadly force prior to using deadly force?

17 A No.

18 Q Were you trained that you can only use deadly
19 force if it's an immediate defense of life situation?

20 MR. CHRISTIANSEN: Objection, misstates the policy.
21 Vague and ambiguous. Incomplete hypothetical.

22 THE WITNESS: I have the understanding that I'm
23 able to use deadly force if there's an imminent threat
24 to human life and if there's the threat of death or
25 injury.

1 BY MR. SINCICH:

2 Q Is that serious bodily injury?

3 A Yes.

4 Q Were you trained that you should only use
5 deadly force in the direst of circumstances?

6 MR. CHRISTIANSEN: Objection, misstates the policy.
7 Vague and ambiguous. Incomplete hypothetical.

8 THE WITNESS: I believe that was kind of answered
9 in the last question that I could use deadly force if
10 life is in jeopardy of death or great bodily injury then
11 I may use deadly force.

12 BY MR. SINCICH:

13 Q Right. And I understand that. What I'm
14 asking is not specifically with regard to the policy,
15 but in your training up until the point of the incident,
16 were you ever trained that deadly force should ever
17 be only used in the direst of circumstances?

18 MR. CHRISTIANSEN: Objection, asked and answered.
19 Incomplete hypothetical.

20 THE WITNESS: I don't really understand what you're
21 saying with dire -- I guess direst, if -- you know, if
22 it's a situation where my life, my partner's life or
23 somebody else's life is in danger or there's the threat
24 of great bodily injury, then, yes, I can use deadly
25 force.

1 BY MR. SINCICH:

2 Q Were you trained that you should only use
3 deadly force as a last resort?

4 MR. CHRISTIANSEN: Objection, incomplete
5 hypothetical. It calls for speculation.

6 THE WITNESS: Restate that question.

7 BY MR. SINCICH:

8 Q Were you trained, based on your policies or
9 any of the training that you had as a police officer,
10 that you should only use deadly force as a last resort?

11 MR. CHRISTIANSEN: Same objection. Incomplete
12 hypothetical. Calls for speculation. Misstates the
13 policy.

14 THE WITNESS: No.

15 BY MR. SINCICH:

16 Q Is it consistent with your training that you
17 should only use deadly force if there are no other
18 reasonable alternatives?

19 MR. CHRISTIANSEN: Objection, incomplete
20 hypothetical. Misstates the policy. It calls for
21 speculation.

22 THE WITNESS: Can you ask that again?

23 BY MR. SINCICH:

24 Q Were you trained that you should only deadly
25 force if there are no other reasonable alternatives?

1 MR. CHRISTIANSEN: Same objection. Incomplete
2 hypothetical. It calls for speculation.

3 THE WITNESS: Yes.

4 BY MR. SINCICH:

5 Q What was the -- what was the suspect vehicle
6 doing during the three to five seconds that you were
7 firing?

8 A Driving toward Officer Mikowski and myself.

9 Q Did you stay in the same place as you were
10 firing all of your shots?

11 A Yes.

12 Q Were you ever trained that you can shoot and
13 move?

14 MR. CHRISTIANSEN: Objection, incomplete
15 hypothetical.

16 THE WITNESS: Yes, if I'm able to.

17 BY MR. SINCICH:

18 Q Were you ever trained that when you're
19 conducting a felony stop after a vehicle pursuit that
20 you should give room for the suspect vehicle to flee?

21 MR. CHRISTIANSEN: Objection, incomplete
22 hypothetical. Calls for speculation. Lacks foundation.

23 THE WITNESS: I mean, a felony stop you're stopped
24 behind the vehicle, obviously, we're not going to set up
25 a cross-fire situation where people park in front of it,

1 so there's always an avenue of escape because they can
2 proceed forward.

3 BY MR. SINCICH:

4 Q Did you feel that in the position that you
5 parked your vehicle that the suspect had enough room if
6 he chose to flee to pass you?

7 MR. CHRISTIANSEN: Objection, incomplete
8 hypothetical. Calls for speculation.

9 THE WITNESS: Absolutely.

10 BY MR. SINCICH:

11 Q Do you feel like -- based on your perspective
12 of where Officer Mikowski parked, was there enough room
13 for the suspect vehicle to flee past Officer Mikowski's
14 vehicle?

15 MR. CHRISTIANSEN: Objection, incomplete
16 hypothetical. It calls for speculation.

17 THE WITNESS: That's kind of the same question,
18 isn't it?

19 BY MR. SINCICH:

20 Q Well, no, the first question I was asking
21 about your vehicle.

22 A My vehicle?

23 Q The first question I asked about your vehicle
24 and this time I'm asking about Officer Mikowski's
25 vehicle.

1 MR. CHRISTIANSEN: And I'm making the same
2 objection, incomplete hypothetical.

3 THE WITNESS: Yes.

4 MR. CHRISTIANSEN: It calls for speculation.

5 THE WITNESS: The vehicle, where all police
6 vehicles were parked, had more than enough room to leave
7 or evade or get out of the area he was in if he needed
8 to.

9 MR. SINCICH: I'm going to mark this photograph as
10 32.

11 I'm handing it to Officer Williams.

12 (Exhibit 32 marked)

13 BY MR. SINCICH:

14 Q Do you recognize the vehicles in that
15 photograph?

16 A Yes.

17 Q Which vehicle is directly to the right on the
18 right-hand side of this photograph?

19 A Where you can only see the front portion of
20 it?

21 Q Yes, there's like half of a tire showing.

22 A That would be Officer Mikowski's vehicle.

23 Q And in front of that vehicle, the first full
24 vehicle that you can see, whose vehicle is that?

25 A Officer Bradley.

1 Q And in front of Officer Bradley's vehicle?

2 A Officer Zeltner.

3 Q And is that the suspect van in the -- the
4 small vehicle that's down at the end of the street?

5 A Yes.

6 Q The perspective of this photograph, is this
7 about the perspective that you had from your position as
8 you were firing your rounds at Mr. Monzon?

9 A I believe so.

10 Q Did you know that there was officer vehicles
11 in your backdrop at the time that you fired your rounds?

12 A They're not from this angle. Yes, they were
13 in my backdrop.

14 Q Did you know that at the time?

15 A Yes.

16 Q Did you know there was a house in your
17 backdrop at the time you fired your rounds?

18 MR. CHRISTIANSEN: I'll object. It's vague and
19 ambiguous. Misleading.

20 THE WITNESS: There was not a house in my backdrop.

21 BY MR. SINCICH:

22 Q So your direction of fire from where you were
23 standing to Mr. Monzon, would that have been to the left
24 or to the right of the suspect vehicle, your direction
25 of fire?

1 quarter panel on the driver's side, which is the area I
2 was standing in.

3 BY MR. SINCICH:

4 Q Okay. Were you standing on relatively flat
5 ground right there?

6 A No.

7 Q It appears that the embankment is on a slight
8 incline; right?

9 A Correct.

10 Q How far up the incline were you from where the
11 concrete is to the fence?

12 A I don't recall. I would say maybe half --
13 halfway in between Officer Mikowski's vehicle and the
14 fence.

15 Q Was Officer Mikowski closer to the fence than
16 you?

17 MR. CHRISTIANSEN: Objection, asked and answered.

18 THE WITNESS: I don't recall. I know -- I mean, he
19 was to my left, so I would -- I would assume so, but I
20 don't recall.

21 BY MR. SINCICH:

22 Q You mentioned that the van was moving while
23 you were shooting; is that right?

24 A Moving forward.

25 Q Was it moving the entire time that you were

1 BY MR. SINCICH:

2 Q What occurred to give you the impression that
3 the threat was no longer present?

4 A Mr. Monzon was no longer accelerating his
5 vehicle into the path of me and Officer Mikowski.

6 Q Is it fair to say that that's because he
7 stopped the vehicle?

8 A Yes.

9 Q How many more shots did you fire from the time
10 he stopped the vehicle until you stopped firing?

11 MR. CHRISTIANSEN: Objection, vague and ambiguous.
12 Misstates prior testimony. Unintelligible.

13 THE WITNESS: Again, I -- I believe I answered that
14 already. It was almost simultaneous. It happened
15 within probably three to five seconds of -- were the
16 rounds and I was firing and when I noticed that his
17 vehicle is no longer accelerating towards me and moving
18 towards me and the engine stopped revving that's what
19 time I fired -- or stopped firing my -- my firearm.

20 BY MR. SINCICH:

21 Q Where were you aiming on Mr. Monzon?

22 A His chest.

23 Q Could you clearly see his chest?

24 A Yes.

25 Q Were you using your tact light at that time?

1 A I don't believe I was.

2 Q What was the approximate distance between you
3 and Mr. Monzon as you were firing?

4 MR. CHRISTIANSEN: Objection, asked and answered.

5 THE WITNESS: Ten to 15 feet.

6 BY MR. SINCICH:

7 Q Was anybody else firing at the same time that
8 you were firing?

9 MR. CHRISTIANSEN: Objection, calls for
10 speculation.

11 THE WITNESS: I know Officer Mikowski was because
12 he was to my left.

13 BY MR. SINCICH:

14 Q Do you recall how many rounds he fired?

15 A I do not.

16 Q Do you know if any of the other officers that
17 were on scene were firing at the same time?

18 A Do I know now or did I know at that time?

19 Q Did you know at that time?

20 A No.

21 Q What is your understanding as to who was
22 firing at the same time that you were firing?

23 MR. CHRISTIANSEN: I'll object that if you learned
24 any of this information he's asking for, if it came from
25 your attorneys, I'm going to instruct you not to answer.

1 THE WITNESS: I mean, the night of the incident and
2 all of the people involved and knowing where everybody's
3 location was, I assumed Officer -- or Sgt. Montez was
4 firing at the same time as me and Officer Mikowski.

5 BY MR. SINCICH:

6 Q You don't know where Officer -- excuse me --
7 did you know where Sgt. Montez was when you were firing?

8 A No.

9 Q Did you come to know after the incident, prior
10 to giving your statement, outside of the communication
11 with your attorney, where Officer Montez was when he was
12 firing?

13 A Yes.

14 Q How did you come to know that?

15 A When we were doing our -- the safety debrief
16 seeing where everybody, you know, was standing, the
17 direction that the rounds were going, we were all kind
18 of -- you know, where was everybody standing kind of
19 thing, so that's when I discovered where he was
20 standing.

21 Q Sgt. Montez told you?

22 A I don't recall who told me or -- I -- I
23 believe it was him.

24 Q And where did you learn that he was standing?

25 A To the right of Officer Mikowski's vehicle. I

1 don't know exactly where, but I know he was to the right
2 of Officer Mikowski's vehicle at the time of the
3 shooting.

4 Q At the time you were shooting were -- were you
5 still looking at Mr. Montez (sic)?

6 A Say that again.

7 Q At the time you were shooting -- excuse me, I
8 said "Montez." Excuse me. No offense, Sergeant.

9 At the time you were shooting at Mr. Monzon
10 were you still looking at Mr. Monzon?

11 A Yes.

12 Q Could you see his body moving at all as you
13 were firing?

14 A Not other than just controlling the car kind
15 of. I mean, he was just seated in the front driver's
16 seat of the vehicle.

17 And then after the -- after I fired my rounds
18 I noticed he kind of -- like his body kind of slumped a
19 little bit, like not slumped over, but you could just
20 tell his body ...

21 Q Did you get the impression as you were
22 shooting that your bullets were impacting where you were
23 aiming?

24 MR. CHRISTIANSEN: Objection, calls for
25 speculation.

1 THE WITNESS: I -- I believe so, but I -- I don't
2 know.

3 BY MR. SINCICH:

4 Q So after you stopped firing was anybody else
5 firing or were you the last person to fire?

6 MR. CHRISTIANSEN: Objection, calls for
7 speculation.

8 THE WITNESS: Again, I don't know. It was such a
9 quick time. I heard the volley. Once I stopped firing
10 I don't recall hearing anything after, but I -- I -- I
11 don't recall.

12 BY MR. SINCICH:

13 Q Okay. And then you -- you stated that he
14 slumped over after the firing ceased?

15 MR. CHRISTIANSEN: Objection, misstates the prior
16 testimony.

17 THE WITNESS: Yeah. I said his body kind of
18 slumped. He did not like slump over. It wasn't like --
19 his body didn't like fold over. It's just like almost
20 like relaxed almost.

21 BY MR. SINCICH:

22 Q Like his shoulders dropped?

23 A More or less, yes.

24 Q Did he lean in any direction forward, to the
25 left or to the right?

1 A I don't recall. I think, if anything,
2 possibly a little to his left, but he was still upright
3 in the seated position with his head facing forward.

4 Q Right. At that point in time when you saw
5 Mr. Monzon kind of slumped over, as you described, did
6 you have the impression as to whether or not he was
7 alive?

8 MR. CHRISTIANSEN: Objection, calls for
9 speculation. Seeks the opinion of an expert.

10 THE WITNESS: I -- I -- I cannot tell you. I don't
11 know.

12 BY MR. SINCICH:

13 Q Right. I'm just trying to -- trying to gather
14 what your impression was at the time.

15 What were the thoughts that were going through
16 your mind?

17 MR. CHRISTIANSEN: Objection, overbroad. Vague and
18 ambiguous. Calls for speculation.

19 THE WITNESS: I mean, based on the totality of the
20 circumstances with his body dropping and then at that
21 point the vehicle began rolling backwards, my belief was
22 he was at least injured.

23 Again, I don't know if he was dead. I wasn't
24 able to take his pulse at that time and kind of tell if
25 he was breathing. I don't have that information.

1 BY MR. SINCICH:

2 Q Right. On Exhibit 32 in front of you, do you
3 see that line that appears to be going down the road
4 from Officer Mikowski's vehicle in the direction of the
5 van?

6 A Yes.

7 Q Do you have any information as to what that
8 is?

9 A I can speculate, but, no, I don't know what
10 that is.

11 Q Did you watch the van roll from its position
12 while you were firing into its resting position as you
13 can see in Exhibit 32?

14 MR. CHRISTIANSEN: Objection, misstates prior
15 testimony. Asked and answered.

16 THE WITNESS: I didn't -- I wasn't firing at the
17 vehicle when it was rolling backwards.

18 BY MR. SINCICH:

19 Q Right. My question is, did you see the
20 suspect van roll from the position that it was when you
21 fired all the way to the position that it is in its
22 resting position as shown in Exhibit 32?

23 A Yes.

24 Q And what were you doing as it was rolling
25 backwards?

1 A I kept my gun pointed at the vehicle, at
2 Mr. Monzon. Again, not knowing if he was the one that
3 fired the earlier rounds and if a threat was going to
4 present itself, aiming my firearm at Mr. Monzon as I
5 moved forward towards the vehicle.

6 Q What was your direction of travel as you moved
7 forward towards the vehicle?

8 A I went from the position that you see here in
9 Exhibit 32 and I ended up -- when I stopped I was on the
10 driver's side of the suspect vehicle. So I was south --
11 you know, mainly south, but I went a little west, I
12 guess you would say, because I went to the driver's
13 side.

14 Q Is it fair to say you essentially followed the
15 path from this perspective just straight over towards
16 the tree that's to the right of the vehicle?

17 A Yes.

18 Q Okay. Do you know how fast the suspect
19 vehicle was rolling backwards?

20 A It was literally just rolling backwards as --
21 it sounded as if the gear shift or something went -- you
22 know, was hit or the vehicle was not fully in gear
23 because there was like a clicking sound as the vehicle
24 was rolling backwards.

25 Q Did you ever see Mr. Monzon after the time

1 Q Were you able to tell if the vehicle was in
2 drive at the time that it came to rest?

3 A Again, my belief was it was knocked out of
4 gear or in between gears because it was rolling
5 backwards and a clicking sound.

6 Q Right. What did you do once you got down to
7 the end of the cul-de-sac, as you described, on the
8 driver's side of the suspect vehicle?

9 A I believe at that time -- I don't know our
10 positioning, but I believe Officer Mikowski,
11 Sgt. Montez, myself, Officer Bradley and Officer Zeltner
12 were all in that general area giving commands to show us
13 his hands and, you know, again, I don't know what
14 everybody else was saying, but I know there was a few of
15 us talking, "Give us your hands" or "Show us your
16 hands."

17 And then Officer Mikowski gave announcements
18 and eventually sent his canine towards the vehicle.

19 Q Did you see what the canine did as it went
20 towards the vehicle?

21 A Yes, it went through the driver's side window
22 and began to bite Mr. Monzon. I don't know exactly
23 where -- where he was on the bite because it's kind of
24 small and the dog's -- canine is moving around a lot,
25 but I did notice that he was on or was biting

1 Mr. Monzon.

2 Q Eventually I understand that Mr. Monzon was
3 given medical aid; is that right?

4 A Yes.

5 Q How long was it from the time that you first
6 saw the dog biting Mr. Monzon to the time that medical
7 aid started?

8 A From the time he was -- the canine was biting
9 to the time medical aid was provided, I would say was
10 within like two minutes -- a minute, a minute or two.

11 Q Okay. Eventually the dog released the bite?

12 A Officer Mikowski retrieved his dog off the
13 bite, yes.

14 Q What did you do after Officer Mikowski
15 retrieved his dog?

16 A I don't know at -- at what point
17 Officer Mikowski -- or that his canine released from the
18 bite, but I know about that time when Officer -- or
19 Officer Mikowski and Sgt. Montez were at the passenger
20 side of the vehicle retrieving the canine, it was
21 mentioned that there was somebody else in the vehicle,
22 that there was a passenger in the back of the vehicle,
23 at which time, even standing right there, I was unable
24 to see into the vehicle.

25 I could not see anybody. So I opened the

1 slider door. Guessing it was unlocked, I was able to
2 open it and there was a male sitting, kind of like
3 laying to the side in the captain's chair behind the
4 driver's seat.

5 Q Which side was the person leaning?

6 A To the right.

7 Q Was that to his right?

8 A Yes.

9 Q So as he's sitting in the captain's chair he
10 would be leaning towards the center of the vehicle?

11 A Yes.

12 Q At the time that you were shooting could you
13 see clearly into the vehicle?

14 A I could see clearly into the vehicle and had a
15 clear view of Mr. Monzon.

16 Q Was the person that you found in the captain's
17 seat, was that person in the seat just behind
18 Mr. Monzon's seat?

19 A Yes.

20 Q At the time that you were shooting at
21 Mr. Monzon did you know there was another person in the
22 back seat?

23 A No.

24 Q Did you check to see if there was any person
25 in the back seat?

1 MR. CHRISTIANSEN: Objection, vague as to time.

2 BY MR. SINCICH:

3 Q At the time you were shooting.

4 A No.

5 MR. CHRISTIANSEN: Assumes facts.

6 BY MR. SINCICH:

7 Q Were you trained that when you're shooting at
8 a vehicle -- at the driver of a vehicle that you should
9 consider whether or not there are people, other
10 passengers in the vehicle?

11 MR. CHRISTIANSEN: Objection, assumes facts.
12 Misstates the policy. Incomplete hypothetical. It
13 calls for speculation.

14 THE WITNESS: I mean, yeah, you want to make sure
15 you're not going to endanger anybody else, but, again, I
16 had a clear view into the window and I did not see any
17 other occupants inside that vehicle at that time.

18 BY MR. SINCICH:

19 Q So you opened the sliding door where Mr. Reyes
20 was sitting; correct?

21 A Yes.

22 Q Did you pull Mr. Reyes out or did another
23 officer do that?

24 A I did.

25 Q What did you do with Mr. Reyes at that time?

1 A I assisted him to the ground, not knowing,
2 again -- there were gunshots earlier, we still didn't
3 know where those came from. I patted him down for
4 weapons. I -- I believe I detained him in handcuffs. I
5 believe I handcuffed him.

6 Patted him down, asked him if he was injured.
7 Kind of scanned him to see if he had any injuries or any
8 gunshots on him.

9 Q Did you find any injuries or gunshots on him?

10 A I believe I remember him having a cut on his
11 head or there was some blood on -- on his forehead, I
12 believe.

13 And, possibly, I think he had an injury to one
14 of his hands, but at that time I was looking more for
15 like -- like gunshot wounds, life-threatening injuries,
16 that if he needed treatment that I could perform for
17 him.

18 But at that time, I didn't see any type of
19 serious bodily injury, so I passed him off -- I asked
20 Officer Bradley to take him away from the vehicle
21 because the vehicle was still not secured. Told him to
22 take custody of Mr. Reyes and do a more thorough -- you
23 know, provide medical aid if he needed it or, you know,
24 talk with him, secure him.

25 Q Did you come to find out later on from a

1 source other than your attorneys that Mr. Monzon (sic)
2 was shot in the hand?

3 A There was mention that it was a possibility,
4 but it was never confirmed.

5 Q When was that mentioned?

6 A I don't recall. I believe it was some time --
7 I mean, hours after, after Mr. Reyes was treated at the
8 hospital.

9 Q And how did you come to learn that
10 information?

11 A What information?

12 Q That it was a possibility that Mr. Reyes was
13 shot in the hand?

14 A Sometime that morning after the incident.

15 Q Right. How did you come to learn that
16 information?

17 A I -- I don't recall. I don't know if it's the
18 officer that was there at the hospital with him or I
19 don't recall who told me or how I found out.

20 Q Would it have been through a phone call or
21 radio transmission?

22 MR. CHRISTIANSEN: Objection, asked and answered.

23 THE WITNESS: I don't recall.

24 BY MR. SINCICH:

25 Q Okay. After you passed off Mr. Reyes to

1 Officer Bradley then what did you do?

2 A Then Sgt. Montez stated -- or told me to take
3 Mr. Monzon out of the vehicle and check him out, provide
4 medical aid if he needed it.

5 Q Did you do that?

6 A Yes.

7 Q How did you take Mr. Monzon out of the
8 vehicle?

9 A I grabbed him by his upper body, his shoulder
10 area, and assisted him out of the car and laid him on
11 his back on the road near -- right outside of his
12 vehicle.

13 Q What did you do after you laid him on his
14 back?

15 A Assessed him. Saw the gunshot wounds and
16 checked for a pulse.

17 Q Did you find a pulse at that time?

18 A I did not.

19 Q Did you find any gunshot wounds at that time?

20 A I saw gunshot wounds to his right side, but I
21 didn't -- I don't know how many.

22 Q And what type of medical aid did you render
23 considering that you couldn't find a pulse and that he
24 had gunshot wounds?

25 A Again, I saw he wasn't breathing and minus the

1 pulse as well, I began CPR.

2 Q I understand that CPR is kind of a two-part
3 process. What -- is that your understanding as well?

4 A Yes.

5 Q There's chest compressions as one component
6 and then assisted breathing as the second component?

7 A Yes.

8 Q Is there any other component that you're
9 familiar with to CPR?

10 A No.

11 Q Okay. Which one of those were you doing,
12 if -- or both, if that's the case?

13 A Chest compressions. I -- I began CPR and went
14 through -- I don't know how many cycles, you know, of
15 chest compressions. I did it for a short time.

16 My gloves that I had on were ripped and I had
17 blood on my hands, so at which time I believe it was
18 Officer Devey, D-e-v-e-y -- Officer Devey was -- arrived
19 on scene and was there. So I asked him to continue CPR
20 for me since I -- so I didn't continue getting blood all
21 over my hands.

22 Q Did you see Officer Embrey arrive on scene at
23 all?

24 A I did.

25 Q Did they arrive, meaning Officer Devey and

1 Officer Embrey, about the same time?

2 A I don't know what time they arrived. At -- at
3 the time I saw -- personally, I saw Officer Devey first.
4 I didn't see Officer Embrey until a little after.

5 Q Okay. I just didn't know if --

6 A If they're the same person?

7 Q Right. Almost seems like a similar name.

8 A Yeah.

9 Q So I didn't want to -- I wanted to make sure
10 it was clear.

11 A Right.

12 Q Is it consistent with your training that an
13 officer should move out of the way instead of shooting
14 at a moving vehicle, if possible?

15 MR. CHRISTIANSEN: Objection, incomplete
16 hypothetical. It calls for speculation.

17 THE WITNESS: Yes, if it's possible and there's an
18 avenue for us to escape from and -- or to get to a place
19 of safety, yes.

20 BY MR. SINCICH:

21 Q Is it consistent with your training that an
22 officer shouldn't put himself in a position that's in
23 the path of a moving vehicle?

24 MR. CHRISTIANSEN: Objection, incomplete
25 hypothetical.

1 THE WITNESS: Yes. I mean, I think that's just
2 common sense that you're not going to want to put
3 yourself in front of a moving vehicle.

4 BY MR. SINCICH:

5 Q So would you agree that if you knew a vehicle
6 was moving in a particular direction, it would be
7 counter to your training to move into the same
8 direction -- or rather in the opposite direction that
9 that vehicle is moving?

10 MR. CHRISTIANSEN: Objection, incomplete
11 hypothetical. Assumes facts. Calls for speculation.

12 THE WITNESS: I believe you misspoke. You would
13 want to go to the opposite direction that the vehicle is
14 going.

15 BY MR. SINCICH:

16 Q So, for instance, in this case, if a suspect
17 vehicle was moving northbound --

18 A Uh-huh.

19 Q -- is it consistent with your training for the
20 officer to move southbound?

21 MR. CHRISTIANSEN: Objection, it's an incomplete
22 hypothetical. It calls for speculation.

23 THE WITNESS: I mean, to go southbound straight
24 towards the path of the vehicle, yeah, but if you were
25 going southbound to the east of where the vehicle was

1 speculation.

2 THE WITNESS: I don't know.

3 BY MR. SINCICH:

4 Q Okay. How long after you started CPR did
5 medical aid arrive?

6 A I'd say a -- a few minutes. I would say no
7 longer than five minutes. Somewhere within there.
8 Three minutes.

9 Q Did you call for medical aid?

10 A No.

11 Q Are you aware if medical aid was called for?

12 A I -- I believe it was because paramedics
13 showed up on scene.

14 Q All right. Do you know who called them?

15 A I do not.

16 Q Was Mr. Monzon being given CPR the entire time
17 before the medics showed up?

18 A Yes.

19 Q Was it both chest compressions and assisted
20 breathing?

21 A I know at the time I was giving him CPR, I
22 gave him just chest compressions because I don't have a
23 pocket mask on me at the time. They're normally in our
24 vehicles.

25 When I passed Mr. Monzon to Officer Devey I

1 recall him doing chest compressions. I don't know if
2 any other officer brought a face mask and began doing --
3 what would it be -- ventilation for him.

4 Q Are the officer vehicles equipped with some
5 form of first aid bag?

6 MR. CHRISTIANSEN: Objection, it calls for
7 speculation as to any other vehicle but his own.

8 THE WITNESS: Officer vehicles aren't, but we are
9 issued just little masks that you put over the -- their
10 mouth and nose and you blow into.

11 BY MR. SINCICH:

12 Q Okay. Did you have a mask in your vehicle
13 that could have been used for CPR?

14 A Yes.

15 Q Did you tell anybody that you had a mask in
16 that vehicle?

17 MR. CHRISTIANSEN: Objection, relevance.

18 THE WITNESS: I mean, at that time, no, because I
19 was giving Mr. Monzon chest compressions.

20 BY MR. SINCICH:

21 Q Did you see anybody else grab a pocket mask in
22 order to give Mr. Monzon ventilations while you were
23 doing the chest compressions?

24 MR. CHRISTIANSEN: Objection, asked and answered.
25 It calls for speculation.

1 THE WITNESS: Yeah, I already answered that.

2 I -- I know I did chest compressions. No one
3 was giving him mouth to mouth at that time.

4 When Officer Devey took over, I did not
5 witness him do mouth to mouth or have a mask with him,
6 but, again, after that I left the area to go clean up
7 because I had lacerations on my arm.

8 BY MR. SINCICH:

9 Q Where were the lacerations on your arm?

10 A Right arm.

11 Q Where on the right arm were the lacerations?

12 A My forearm.

13 Q Was it close to your elbow or your wrist?

14 A I could show you if you want to see all my
15 scars.

16 Q Well, that would be difficult to -- to put
17 that on the record in terms of a description. So if you
18 recall where they are --

19 MR. CHRISTIANSEN: I don't think it would be. We
20 could look at --

21 THE WITNESS: I mean, I don't -- yeah. I mean, if
22 you want see so you can put -- I mean, they're on my
23 forearm. They're all right here on different areas of
24 my arm.

25 ///

1 transcript of your voluntary statement that's Bates
2 numbered 000217 to 000242.

3 And I'll let you know which page and line
4 number that I'm referring to. I just want to ask you a
5 couple of questions about the statement.

6 A Okay.

7 Q I believe you -- you mentioned that you gave
8 the statement at -- I think you said exactly 11:57;
9 right?

10 A I did.

11 Q So that would be roughly 10 hours after the
12 incident, something like that?

13 A Yes. Sorry.

14 Q Is it fair to say that the statements that you
15 gave in your voluntary statement were fresher in your
16 memory than they are today?

17 A Yes.

18 Q And of the numerous times that you reviewed
19 your statement did you find anything that you felt was
20 incorrect or wrong?

21 A Not that I saw.

22 Q Okay. I want to refer you to Page 9 of 26.

23 A Okay.

24 Q Start at Line 7 at the sentence that begins on
25 Line 7. And it's kind of a long sentence, so I'll break

1 it up to the end of Line 11 where the comma is.

2 If you could just read that to yourself.

3 A You said all the way -- oh, that whole
4 sentence from --

5 Q No, just Line 7 to 11 because it's a pretty --
6 it's two sentences, but the second one is pretty long.

7 A Okay.

8 Q Did you get a chance to read it?

9 A Yes, I did.

10 Q Okay. So for context, at this portion of your
11 statement, is this where you're describing the
12 placement -- that you begin by describing the placement
13 of the officer vehicles in front of where you parked?

14 A Yes.

15 Q And then did you go on to describe what the
16 suspect vehicle was doing?

17 A Yes.

18 Q Is it fair to say that in accordance with your
19 statement that prior to you getting out of the car it
20 was your impression that the vehicle was turning to come
21 in a northbound direction?

22 MR. CHRISTIANSEN: It calls for speculation.

23 THE WITNESS: At the time that I was getting out of
24 my vehicle or that I was in my vehicle at the time where
25 I'm talking about that you had me look over just now, I

1 believe I'd say that he was seen reversing going
2 backwards quickly and attempting to make what I thought
3 was going to be a two-point turn.

4 BY MR. SINCICH:

5 Q Right. And it was in accordance with your
6 statement, your impression that the vehicle was going
7 to -- in completion of that two-point turn come in a
8 northbound direction?

9 MR. CHRISTIANSEN: Objection, misstates prior
10 testimony. It calls for speculation. The record speaks
11 for itself. Misstates the record.

12 THE WITNESS: Yeah. I mean, that's a possibility
13 of what could happen, but based on the totality of
14 everything and the type of erratic driving he was doing
15 the entire pursuit and the things he did, I had no clue
16 what he was going to do, if he was going to drive
17 through the fence or I couldn't tell you.

18 BY MR. SINCICH:

19 Q Okay. So on Line 10 about halfway through
20 there's a comma, and then that portion of the sentence
21 goes to Line 11, about halfway in that line to the other
22 comma.

23 You see that?

24 A Yes.

25 Q Isn't it fair to say that in your mind, your

1 So I believe I gave this statement and said
2 that he was trying to turn around and go the other way
3 because I know at the end that's what he ended up doing.

4 BY MR. SINCICH:

5 Q Was it difficult for you to see
6 Officer Mikowski when you first got out of your vehicle?

7 A Not really. When I actually looked over to
8 the driver's side of his door when I started to go over
9 to his vehicle, I mean, I saw him. He wasn't concealed
10 or hiding anywhere. He was -- he was on the driver's
11 side of his vehicle.

12 Q After the van collided with Officer Mikowski's
13 vehicle was it difficult for you to see Officer Zeltner
14 and Officer Bradley?

15 MR. CHRISTIANSEN: Objection, asked and answered.

16 THE WITNESS: I believe I already answered that.

17 At no time prior to or during the shooting did
18 I see Officer Bradley or Officer Zeltner.

19 BY MR. SINCICH:

20 Q Was that in part because there was flashing
21 lights on the patrol vehicles?

22 MR. CHRISTIANSEN: Objection, misstates prior
23 testimony. Asked and answered.

24 THE WITNESS: I couldn't tell you why I couldn't
25 see them. I don't know if it's positioning. It was

1 dark outside. There are flashing lights, so it does
2 make it difficult to see, but, yeah, I don't know. I
3 just don't know where they were standing. I didn't see
4 them.

5 BY MR. SINCICH:

6 Q How do the flashing lights make it difficult
7 to see?

8 MR. CHRISTIANSEN: Objection, calls for
9 speculation. Seeks the opinion of an expert. It lacks
10 relevance.

11 THE WITNESS: Because it's dark outside and those
12 are -- well, I don't know on Officer Zeltner's, but I
13 know Officer Bradley's and my vehicle, they're LED
14 lights, so they're extremely bright and they're flashing
15 lights, so ...

16 BY MR. SINCICH:

17 Q Which lights are you referring to that are
18 flashing?

19 A The overhead lights.

20 Q Do you know what color lights are flashing at
21 the time that you're describing?

22 A Blue, red and I believe white or clear.
23 White.

24 Q When you described that Officer Mikowski's
25 vehicle impacted your arm, did you get knocked down at

1 all?

2 A No.

3 Q Do you remember saying that you got knocked
4 down in your statement?

5 A No. Because I didn't say that in my
6 statement.

7 Q Did you stumble at all or anything like that?

8 A I mean, the inertia of the vehicle, the -- I
9 don't even know. I'm not good with vehicles, but a
10 2,000 pound vehicle or something hitting me, yeah, I
11 moved.

12 Q Do you recall in your statement describing
13 that the suspect vehicle's tires were spinning out?

14 A Yes.

15 Q Did you see them spin out or did you hear them
16 spin out?

17 A Hear them.

18 Q And when you say spinning out what does that
19 mean to you?

20 A I believe what you're referring to when I'm
21 describing it, the -- the engine's revving, so I know
22 the vehicle is in drive or, you know, being accelerated
23 and I could hear tires slipping on gravel or you could
24 hear the sound of the tires spinning.

25 I mean, I don't know how -- it wasn't like a

1 like screeching, but you could hear the tires spinning
2 on like loose gravel kind of.

3 Q Is that spinning out that you're describing
4 the tires spinning without the vehicle moving forward?

5 A No, I believe I -- I already testified earlier
6 while that was happening the vehicle -- I don't know if
7 it was on Officer Mikowski's vehicle or kind of like
8 turning off of it, but the vehicle was constantly moving
9 forward.

10 Q Okay. If I can direct you to Page 10.

11 Are you there already?

12 A Uh-huh.

13 Q I thought I had a second.

14 Lines 22 to 23. Is the situation that you're
15 describing in that sentence once the suspect vehicle
16 came to a stop at the end of the cul-de-sac?

17 A No.

18 Q Where was the suspect vehicle when you were
19 describing the subject matter of that sentence?

20 A That was when the vehicle is accelerating
21 forward towards me and Officer Mikowski and prior to me
22 shooting.

23 Q If I can have you look back --

24 MR. SINCICH: Is that the statement on the screen,
25 Counsel?

1 MR. CHRISTIANSEN: I don't know. Probably.

2 Why don't you just read --

3 MR. SINCICH: Back a couple lines, I think.

4 MR. CHRISTIANSEN: You can read the whole thing if
5 you want to. Take your time.

6 THE WITNESS: Oh, okay. Yeah, sorry about that.

7 Yeah, that's going to be when it rolled back.

8 BY MR. SINCICH:

9 Q Okay. So is it fair to say that as you were
10 approaching the suspect vehicle it was your belief that
11 Mr. Monzon was still breathing?

12 A No. That's what I did, I misread it. The
13 first time I thought it said it "could," but if you read
14 it, it says "couldn't see."

15 Q What couldn't you see?

16 A I couldn't see if he was still -- I couldn't
17 tell, I guess you would say. But in here it says
18 "couldn't see," but I couldn't tell if he was still
19 breathing and I couldn't see his hands.

20 Q Is your memory as it is today of the incident
21 that as you approached the suspect vehicle your belief
22 is that he was not breathing?

23 MR. CHRISTIANSEN: Objection, misstates his
24 testimony.

25 THE WITNESS: Again, I said I -- I couldn't see. I

1 the page. And if I can turn your attention to Lines 21
2 through 23.

3 Do you remember making that statement --
4 saying these words in your voluntary statement?

5 A Yes.

6 Q Is it fair to say that you were running up
7 towards the position of the front left fender of
8 Officer Mikowski's vehicle when you saw the suspect
9 vehicle driving north?

10 A As the vehicle was driving northbound I -- I
11 ran towards the driver's side of Officer Mikowski's
12 vehicle.

13 Q You described some injuries on your arm and
14 I'm wondering if this was what I call a Freudian slip.

15 If you look at the same page, Line 30.

16 A Uh-huh.

17 Q Do you recall telling the investigator that
18 your left arm went through the window?

19 MR. CHRISTIANSEN: Well, I'll object that the
20 sentence is a little out of context.

21 Misstates the document. The document speaks
22 for itself.

23 You can answer.

24 THE WITNESS: Yeah, I -- when giving my statement,
25 I -- I probably accidentally said my left arm and he

1 quickly asked my right arm and I corrected myself and
2 said, "Yes, my right arm."

3 BY MR. SINCICH:

4 Q That's what I was wondering, if that was a
5 mistake when you -- when you first said "left arm."

6 A Yes. And that's why I said further down, when
7 you see three lines down I say my right arm.

8 Q Yeah, I see that.

9 A Yeah.

10 Q If you can turn to Page 19. The question
11 starts on Line 23. And your final answer to two of
12 those questions ends on Line 30.

13 What are you describing there?

14 A That I did not try to shoot the vehicle to
15 disable it.

16 Q Why didn't you try to shoot the vehicle to
17 disable it?

18 MR. CHRISTIANSEN: Objection, the document speaks
19 for itself. Asked and answered.

20 THE WITNESS: Because I have a small caliber weapon
21 and it's not likely that I am going to stop the vehicle
22 or disable the vehicle with a round.

23 BY MR. SINCICH:

24 Q Was it your opinion at the time that it would
25 have no effect on the vehicle?

1 MR. CHRISTIANSEN: Objection, misstates his
2 testimony.

3 THE WITNESS: There's a good possibility that it
4 would have no effect.

5 MR. SINCICH: I don't have much more. Thank you
6 for bearing with me.

7 I'm just reviewing some of the notes that I
8 made. Sorry for the pause.

9 THE WITNESS: No worries.

10 BY MR. SINCICH:

11 Q Do you remember stating that Mr. Reyes --
12 strike that.

13 I believe you were referring to Mr. Monzon was
14 bleeding profusely.

15 A Yes.

16 Q When were you able to tell that he was
17 bleeding profusely?

18 A When I took him out of the vehicle.

19 Q Were you able to see any blood as the vehicle
20 was rolling backwards?

21 A I don't recall. I don't believe so.

22 Q Do you recall what color shirt Mr. Monzon was
23 wearing?

24 A White.

25 Q Can I turn your attention to Page 24, Lines 26

1 to 28.

2 Did you get a chance to read it?

3 A Yes.

4 Q In that part of your statement were you
5 describing the suspect vehicle after the collision
6 between the suspect vehicle and Officer Mikowski's
7 vehicle?

8 A Yes.

9 Q At the time you gave your statement was it
10 your impression or your memory of the incident that it
11 was a possibility that the suspect vehicle was disabled
12 from the collision?

13 MR. CHRISTIANSEN: Objection, the document speaks
14 for itself.

15 THE WITNESS: No. In that statement, if the
16 whole -- a few sentences down to -- I don't know if
17 you -- did you say all the way to 30?

18 BY MR. SINCICH:

19 Q I was just referring specifically to the
20 majority of Line 27. I'm just trying to get what your
21 impression was from your recollection at the time that
22 you gave this statement.

23 A Yeah. Again, it says in there and my
24 testimony would have said -- or my statement, what it
25 says is I didn't know if the vehicle -- because the

1 vehicle was revving, tires were spinning, I did not know
2 because the vehicle wasn't -- the sound of the vehicle,
3 how high the vehicle was revving, wasn't consistent with
4 how fast the vehicle was going. So I didn't know if it
5 was disabled or if it was pushing Officer Mikowski's
6 vehicle.

7 But if you read further, you say the -- I
8 state that the vehicle was accelerating forwards and I'm
9 unsure if it's just on Officer Mikowski's vehicle or if
10 it's going slow like that because it was disabled from
11 the collision.

12 Q Well, is it fair to say that one of the
13 options that -- or possibilities that went through your
14 head at the time was that the suspect vehicle may have
15 been disabled?

16 MR. CHRISTIANSEN: I'm going to object that it
17 misstates his testimony.

18 THE WITNESS: I state in there, it's a -- I mean,
19 it's a possibility. I -- I did not know if it was
20 disabled or still, you know, pushing against
21 Officer Mikowski's vehicle.

22 BY MR. SINCICH:

23 Q You're --

24 A But it was still accelerating forward.

25 Q Right. In your head at the time of the

1 incident, were you thinking that it was also a
2 possibility that the suspect vehicle was attached to the
3 front of Officer Mikowski's vehicle?

4 A I know you're saying "attached" because that's
5 in my statement, but I believe just kind of what I'm
6 testifying today, it was up against it because it just
7 collided with it.

8 So, I mean, touching, not physically like
9 attached or bonded, but up against Officer Mikowski's
10 vehicle is what I was describing.

11 Q Okay. So when you say the word "attached,"
12 what you're really referring to is -- is touching?

13 MR. CHRISTIANSEN: Objection, asked and answered.

14 THE WITNESS: Yes.

15 BY MR. SINCICH:

16 Q At least in this portion of the statement?

17 A Yes.

18 Q Okay.

19 MR. SINCICH: Do you think we can have one minute,
20 two minutes, just to see if Mr. Sehat has any questions
21 and then we can call it quits for today?

22 MR. CHRISTIANSEN: Sure.

23 MR. SINCICH: All right. Let's go off the record
24 for a brief minute.

25 (Recess)

1 MR. SINCICH: Let's go back on the record.

2 BY MR. SINCICH:

3 Q At some point in time after you gave your
4 statement, was there any kind of administrative leave
5 that you were on?

6 A Yes.

7 Q How long was that?

8 A Three days.

9 Q Is that a pretty standard amount of time after
10 an officer-involved shooting?

11 MR. CHRISTIANSEN: Objection, calls for
12 speculation.

13 THE WITNESS: Depends what department you work for.
14 Different departments have different protocol on what
15 happens after an officer-involved shooting.

16 BY MR. SINCICH:

17 Q Okay. Prior to going on administrative leave
18 did you have a tactical debrief?

19 MR. CHRISTIANSEN: Objection, vague and ambiguous.

20 THE WITNESS: We never really had a tactical
21 debrief, but I -- I -- I believe we debriefed the
22 incident.

23 I don't -- it wasn't directly after the
24 incident, it was shortly after, where everybody involved
25 including dispatchers and all of the officers involved

1 the only statement.

2 Q As part of the briefing that you alluded to
3 with all of the people involved in the incident, were
4 there any higher authority there that went over things
5 done well, things that needed to be improved upon?

6 MR. CHRISTIANSEN: Objection, vague and ambiguous.
7 It calls for speculation. Asked and answered.

8 THE WITNESS: No. I believe the only people that
9 were there in that was a -- it was a debrief amongst the
10 people that were there, the highest ranking person being
11 Sgt. Montez.

12 And it's kind of not really self-critiquing,
13 but just kind of telling what you -- you know, your side
14 of the story, what you did, why you did it kind of
15 thing.

16 BY MR. SINCICH:

17 Q Was there any kind of critique of what the
18 officers did?

19 A No.

20 Q I can't recall if I asked you, so bear with me
21 if I'm asking it twice or even three times.

22 Did you have any information about either of
23 the suspects prior to you shooting Mr. Monzon?

24 MR. CHRISTIANSEN: Objection, asked and answered.

25 THE WITNESS: Prior information as -- I mean, I